

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 74043

Mark S. Singh
Camla Ali

906 Homberg Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 14, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC section 3-6-401, 402; 35-5-302 (b), failure to comply with Hearing Officer's ruling, failure to repair/replace missing siding and trim (house in disrepair) on residential property zoned DR 5.5 known as 906 Homberg Avenue, 21221.

On June 15, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$13,200.00 (thirteen thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Mark S. Singh, Respondent and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 14, 2010 for repair of exterior structure, repair/replace missing siding, cut and remove tall grass and weeds. This Citation was issued on June 15, 2010.

B. A civil penalty of \$1,000.00 (one thousand dollars) was imposed on Respondents by a Final Order dated May 7, 2010, enforcing a Citation for violations including open dump, and untagged vehicle. The Order gave Respondents the opportunity for a reduced penalty of \$200.00 if the violations were corrected by May 24, 2010; the violations were not all corrected, and the full penalty was billed to Respondents.

C. Inspector Christina Frink testified that her re-inspections after the prior Final Order found the open dump conditions were cleaned up, but the untagged vehicle remained on the property. Photographs show a vehicle behind the house, covered with a tarpaulin. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property. Respondent Mark Singh testified that he will correct this violation within four weeks of this Hearing.

D. Inspector Frink testified that the County received a complaint about missing siding on the house, prompting this Correction Notice and Citation. Photographs in the file show siding missing from the front and rear of the house. Re-inspection prior to this Hearing found some of the siding has been repaired on the front, but additional repairs are needed. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. All siding must be properly repaired including around the front door and on the rear of the house. Respondent Singh testified that he will correct this violation within four weeks of this Hearing.

E. Because compliance is the goal of code enforcement, the civil penalty previously imposed and this penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full larger penalty will be imposed, Respondents will be subject to additional Citation, and the County will be authorized to enter the property to remove untagged or inoperative motor vehicles, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by August 23, 2010.

IT IS FURTHER ORDERED that the civil penalty of \$1,000.00 (one thousand dollars) that was imposed by Final Order dated May 7, 2010, is RESCINDED and reduced to zero dollars.

IT IS FURTHER ORDERED that after August 23, 2010, the County may enter the property for the purpose of removing any untagged or inoperative motor vehicles, at the property owners' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.